

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 06, 2024**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

LINDA B.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-CV-03152-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 10, 16**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 16, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Michael Mullen represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** pursuant to  
4 sentence four of 42 U.S.C. § 405(g).

5 The parties have stipulated to the following:

6 On remand, the Appeals Council will:

- 7
  - Issue a favorable decision finding that Plaintiff's impairments met the  
8 requirements of Listing 1.17 as of August 26, 2014, the alleged onset  
9 date.

10 *See* ECF No. 16 at 2.

11 3. Judgment shall be entered for **PLAINTIFF**.

12 4. Plaintiff's Opening Brief, **ECF No. 10**, is **STRICKEN AS MOOT**.

13 5. Upon proper presentation, this Court will consider Plaintiff's application  
14 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

15 The District Court Executive is directed to enter this Order, **enter**  
16 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

17 DATED March 6, 2024.

18 s/Mary K. Dimke  
19 MARY K. DIMKE  
20 UNITED STATES DISTRICT JUDGE